

Application No. 10/635,926  
Paper Dated: February 17, 2006  
In Reply to USPTO Correspondence of September 21, 2005  
Attorney Docket No. 964-031173

**AMENDMENTS TO THE DRAWINGS**

Applicant encloses herewith a proposed drawing correction to Fig. 2 showing the proposed changes in red ink. Fig. 2 has been amended to specifically show the rail and notches discussed in the specification at paragraph 0024. Approval of the proposed drawing correction to Fig. 2 is respectfully requested.

Attachment: Replacement Sheet  
Annotated Sheet Showing Changes

**REMARKS**

This Amendment submits a proposed drawing correction to Fig. 2; amends the specification to insert reference numbers 50 and 52 in support of amended Fig. 2; and amends claim 1 in accordance with the original disclosure. Support for the amendments to claim 1 is found, for example, in Figs. 1-3 and in the specification at paragraphs 0018 and 0021. Claims 1-20 remain in this application.

**Objection to the Drawings**

The drawings were objected to for not specifically showing the “adjustable component” claimed in claims 5, 13, 14, and 15. In response, Applicant encloses herewith a proposed drawing correction to Fig. 2 to illustrate the adjustable component. Specifically, Fig. 2 has been amended to show the rail 50 with catches or notches 52 discussed in the specification at paragraph 0024.

Approval of the proposed drawing correction and reconsideration of the objection to the drawings are respectfully requested.

**Claim Rejections Under 35 U.S.C. § 103(a)**

1. Claims 1, 2, 4, 6, 7, 11, 16, and 18 stand rejected for obviousness over the teachings of U.S. Patent No. 4,230,343 to Takada. In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Claim 1, as amended, is directed to an active restraint system for an industrial truck. The system comprises a driver's seat, a safety belt having a first end fastened at the driver's seat and a second end having a belt clip, and at least one variable-length mechanical connection connected to a component located in front of the driver's seat and to the second end of the safety belt. In a non-fastened configuration, the mechanical connection biases the second end of the safety belt directly toward the component independent of a vehicle door, such that a driver entering the vehicle manually guides the belt clip into a belt buckle to fasten the safety belt.

Takada is directed to a passive vehicle passenger restraint belt system. By “passive” is meant that the safety belt is automatically opened or closed in response to the opening and closing of the vehicle door (Takada at column 1, lines 6-9). In Takada, the system comprises a restraint belt 4 having a shoulder belt portion 4a and a lap belt portion 4b.

The upper end of the shoulder belt portion 4a is connected to the upper rear portion of the vehicle door. One end of the lap belt portion 4b is connected to a belt guide 11 located on one side of a vehicle's seat 3 and the other end is connected to an anchor 7 fastened to the lower rear portion of the door 2. The restraint belt 4 is moved between restraining and releasing positions by movement of a transfer guide ring 8 diagonally along the inner door panel from a position near the anchor 7 to a position close to the upper front corner of the inner door panel by a flexible control element 15 (Takada at column 2, lines 62-68). Thus, in the Takada passive system, the belt is moved from a restraining to releasing position by opening and closing the vehicle door.

In contrast, the restraint system of the present invention is an active system. By "active" is meant that the driver must manually attach the belt clip to the belt buckle to fasten the safety belt. Additionally, the restraint system of claim 1 is independent of a vehicle door.

Therefore, claim 1, as amended, is believed patentable over Takada and in condition for allowance.

Claims 2, 4, 6, 7, 11, 16, and 18 depend either directly or indirectly from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance.

2. Claims 3, 10, 12, and 17 stand rejected for obviousness over the teachings of Takada in view of U.S. Patent No. 5,411,222 to Gray et al. (hereinafter "Gray"). In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Takada has been discussed above.

Gray is directed to a seat belt retractor having a web tension controlling mechanism 36 including a spool 32 for holding the seat belt webbing 11. However, Gray does not overcome the shortcomings of Takada discussed above. Therefore, claims 3, 10, 12, and 17 (which depend from claim 1) are believed allowable for the same reasons as discussed above with respect to claim 1. Reconsideration of the rejections of claims 3, 10, 12, and 17 is respectfully requested.

3. Claims 5, 13, 15, and 19 stand rejected for obviousness over the teachings of Takada in view of U.S. Patent No. 4,416,469 to Cunningham et al. (hereinafter "Cunningham"). In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Takada has been discussed above.

Cunningham is also directed to a passive safety belt system. The Examiner refers to Cunningham at Fig. 8 for disclosing a seat belt having a height adjustment of the fastening point in front of the driver's seat. Firstly, Applicant points out that Cunningham is also directed to a passive seat belt system, unlike the active system in the present invention. Additionally, as best understood, Applicant does not believe Cunningham teaches an adjustable height connection. As shown in Figs. 7-9 and discussed in Cunningham at column 4, lines 13-48, Cunningham discloses a curved track member 72 carrying a slider 74 connected to a piece of webbing 76. The webbing 76 is threaded through a ring 18 stitched to a diagonal element 16 spaced from the ring 18. When the door 26 is fully opened (Fig. 8), the webbing 76 pulls some of the diagonal element through the ring 18 to effectively increase the length of the lap element 14. This prevents the lap element 14 from pulling the ring downwardly. Thus, as described in the specification and shown in Figs. 7 and 8, it appears that the curved track 72 and slider 74 simply allow the belt to slide from a first position (closed door as shown in Fig. 7 in which the belt is at the lower end of the track 72) to a second, upper position (shown in Fig. 8) when the door is opened. Thus, the actual connection height in Cunningham is not adjustable but, rather, the belt slides up and down in the track 72 when the door is opened or closed.

Therefore, claims 5, 13, 15, and 19 are believed patentable over the Takada and Cunningham combination and in condition for allowance. Reconsideration of the rejections of claims 5, 13, 15, and 19 are respectfully requested.

4. Claim 14 stands rejected for obviousness over the teachings of Takada, Gray, and Cunningham. In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Claim 14 depends from claim 3 and further includes the limitation that the height of the fastening point of the mechanical connection to the component located in front of the drive's seat is adjustable.

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As discussed immediately above, Takada, Gray, and Cunningham, either alone or in combination, do not fairly teach or suggest this adjustable height of the fastening point. Therefore, claim 14 is believed patentable over the Takada, Gray, and Cunningham combination and in condition for allowance. Reconsideration of the rejection of claim 14 is respectfully requested.

5. Claims 8, 9, and 20 stand rejected for obviousness over the teachings of Takada in view of U.S. Patent No. 3,742,448 to Motz. In view of the above amendments and the following remarks, reconsideration of these rejections is respectfully requested.

Takada has been discussed above.

Motz discloses a vehicle seat belt warning and control system in which a vehicle can be started only when the seat belts are fastened when a seat is occupied.

Claims 8, 9, and 20 depend from, and add further limitations to, claim 1. Since these claims depend from a claim believed to be in condition for allowance, these claims are also believed to be in condition for allowance. Neither Takada nor Motz, either alone or in combination, overcomes the shortcomings discussed above with respect to the rejection of claim 1.

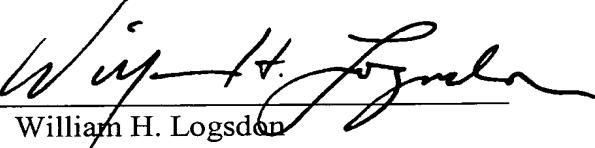
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Conclusion

In view of the above amendments and remarks, approval of proposed amended Fig. 2, the amendments to the specification, claim amendments, and allowance of all of pending claims 1-20 are respectfully requested.

Respectfully submitted,

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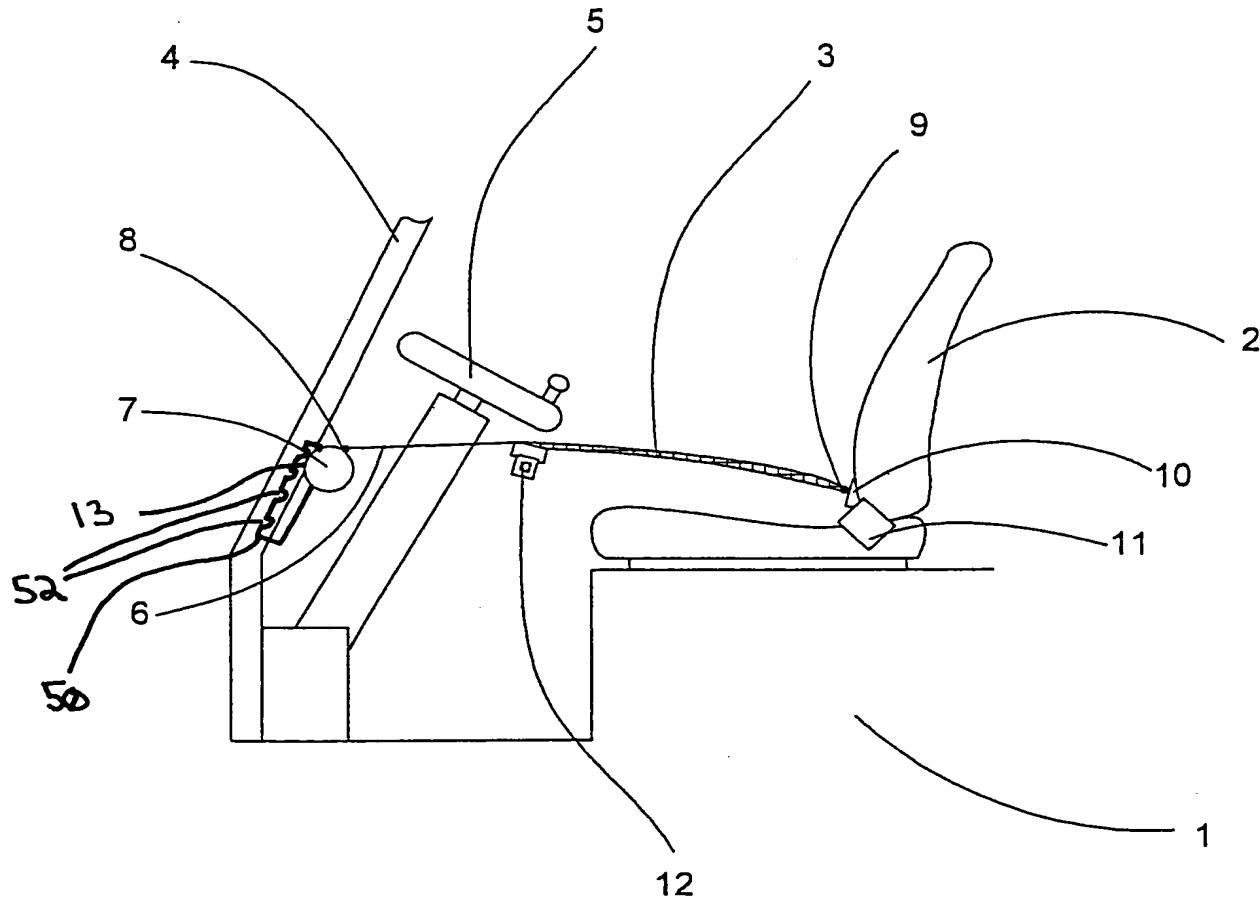


Fig. 2